

Reality Check ✓

Straight Facts for the '90s

May 16, 1996

Questions Arise for Clinton's U.S. Attorneys

Politics Before Justice on Child Pornography?

In March 1993, just weeks after taking the oath of office, in an unprecedented move, President Clinton fired all 93 of the nation's U.S. Attorneys, replacing them with his own appointees. Now, as he asks the voters to give him another four years in office, the President should be expected to answer for the performance of those appointees.

Specifically, serious questions have been raised lately regarding the actions of Janet Napolitano, President Clinton's U.S. Attorney in Phoenix, Arizona. According to media reports, Napolitano refused to cooperate with a two-year undercover investigation conducted by the U.S. Postal Service to investigate and prosecute interstate commerce in child pornography. In particular, according to one report, she refused to issue a search warrant for the home of an admitted pedophile because she was concerned that most of the targets of the investigation were homosexuals.

These reports have attracted the attention of Senator Charles Grassley, Chairman of the Judiciary Subcommittee on Administrative Oversight and the Courts, who plans to hold hearings on the matter. Writing to Attorney General Janet Reno on May 9, Senator Grassley stated:

"The information I have received indicates that Ms. Napolitano refused to authorize seeking a search warrant for the home of an individual who had ordered graphic child pornography from pornography distributors . . . Local authorities [in Phoenix] obtained a search warrant based on the same information . . . and reportedly found a large stack of child pornography, including pictures of the individual engaging in sexual acts with boys under 15 years of age. Apparently, the individual has admitted to the Phoenix Police Department that he had engaged in sex with underage boys at least 100 times."

Extremely disturbing questions about the motives behind Ms. Napolitano's lack of action were raised by the ABC News program "20/20." Specifically, Karyn Cassatt, a U.S. Postal Inspector involved with the investigation, claimed the U.S. Attorney's office backed off because:

"They didn't like the fact that all of these people were interested in sex with these young boys. They believed they were targeting homosexual males."

Unconvincing Explanations From Clinton's Justice Department

Responding to Senator Grassley's inquiry, Attorney General Reno wrote on May 10: "The Department of Justice takes very seriously any exploitation of children, including child pornography, and vigorously enforces the law." She went on to assert: "if convicted after trial in state court, the defendant could face a sentence that ranges from 10 to 24 years. In federal court, depending on his criminal history, the sentence . . . could range from 12 to 24 months." But on May 14, Senator Grassley replied to Attorney General Reno, disputing her explanation:

"Ms. Napolitano never once alleged that she declined pursuing the case so that the suspect could be prosecuted in state court. In fact, according to sources in the Phoenix police department, Ms. Napolitano's chief aide attempted to dissuade local authorities from proceeding at all." [emphasis added]

Not the First Time at the Department of Justice

On May 13, Senator Paul Coverdell wrote to Attorney General Reno expressing his deep concern with the handling of this case and the attitude and actions of Ms. Napolitano. Also, he reminded Attorney General Reno of a previous action by the Department of Justice which was condemned by the Senate:

"This incident calls to mind the Justice Department's bizarre and appalling actions in the United States v. Knox case of 1993, where the Department actually filed a brief with the Supreme Court in defense of a pedophile, arguing for a weakened interpretation of the Child Protection Act. . . . The Senate condemned the Department's position in Knox by a vote of 100-0."

From Child Pornographers to Drug Smugglers: Justice Denied?

Napolitano's footdragging on child pornography isn't the only controversy afflicting the Clinton U.S. Attorney corps. The *Los Angeles Times* of May 14, 1996, reported that the U.S. Attorney in San Diego, Alan Bersin, had adopted a program that has freed many suspected drug traffickers, some carrying large amounts of drugs, apprehended along the Mexican border. The situation was described by a DEA official: "There is virtually no risk [to smugglers] as long as they keep [drug] quantities down. First of all, the chances of getting caught are slim, and the chances of prosecution are almost zero if you get caught with a small quantity and you're a Mexican national." (*Los Angeles Times*, 5/13/96)

According to the *Los Angeles Times* (5/13/96): "*U.S. Customs Service records reviewed by the Times show that some smugglers have been caught two or more times — even in the same week — yet still were not jailed or prosecuted.*" Why no prosecutions of these drug smugglers? One U.S. Customs inspector wrote in an August 13, 1995, report: "*Lack of enforcement is not because inspectors aren't trying. It's because of the policy coming from upstairs*" . . . i.e., from the U.S. Attorney's office. The "policy from upstairs" raises very disturbing questions about the Clinton Administration's record on fighting crime and protecting law-abiding Americans.